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10/081,773

02/20/2002

Neville Jayaratne

1804

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7590

02/28/2005

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EXAMINER

SERROU, ABDELALI

ART UNIT

PAPER NUMBER

2654

DATE MAILED: 02/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/081,773

Applicant(s)

JAYARATNE, NEVILLE

Examiner

Abdelali Serrou

Art Unit

2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Feb. 20, 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 20 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date August, 02, 2002.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities:
  - Page 10 line 4, number (101) appears unnecessary and should be deleted;
  - Page 10 line 14, number (105) should be (205);

Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 6, 10, 13, and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. As per claim 6 (line 2, 3), claim 10 (line 5, 6), and claim 13 (line 3), the phrase “or the like” renders the claims indefinite because the claims include elements not actually disclosed (those encompassed by “or the like”), thereby rendering the scope of the claims unascertainable. See MPEP § 2173.05(d).

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5. As per claim 14, wherein said processing of the voice to text conversion and/or text translation and/or the text to voice conversion is by switching between a speed of a voice phrase of about 2 seconds to the megahertz switching of the central processing unit (cpu), the language is vague and indefinite.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7. Claims 1, 3-6, 11-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Saindon et al.

8. As per claims 1, 4, and 11, Saindon et al. teach a method and a system for audio processing that disclose a voice receiver (microphone, column 6, line 6), a voice-to-text (speech-to-text) converter (Figure 6), a text-to-text spoken language converter for receiving a first language and translating to a second selected language (Language Translator, Figure 6), and a voice emitter for emitting the voice output (text to speech, column 10, line 7, 8) wherein the system performs as a Multilanguage conversation translator (the speech or text can be translated into one or more different languages, column 1, line 53, 54) having dual voice paths operated by one or more sound cards and software implied by “the processor has a dedicated sound card for each of the encoders”, (column 18, line 9, 10).

9. As per claim 3 Saindon et al. teach a translation and audio processing that is attached to a telephone system (phone call-ins, column 2, line 35).

10. As per claims 5, 6, and 12 Saindon et al. teach a “conference bridge” (column 10, line 37) that receives, translate and replays information from and to a plurality of locations (the conference bridge may contain one or more devices that allow information from different sources to be received simultaneously or at different times, column 14, lines 29-32), and receives feedback from users at the same time (the method further comprises the step of receiving feedback information from a viewer, column 4, lines 18-20). Therefore, it is inherent that the system used discloses, in some way, two sounds paths. Furthermore, Saindon et al. disclose a processor that has more then one information encoder, and each encoder has a dedicated sound card (column 18, line 10, 11).

11. As per claim 13, wherein processing of the voice to text conversion and/or text translation and/or the text to voice conversion, Saindon et al. teach the use of parallel processing as shown in figure 1, and teach also, the use of both a CPU (column 5, line 42) and sound cards (column 15, line 11).

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saindon et al.

13. As per claim 2, in addition to the teaching enclosed above, Saindon et al. for the purpose of their invention, teach the use of "a computer" (Abstract). However, the examiner takes official notice that is years old and notoriously well known to have portable computers, so as to facilitate carrying them. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to have a portable device to use while walking or performing other activities.

14. As per claim 7, in addition to the argument used to reject claim 2, Saindon et al. teach a system “a conference bridge” (column 14, line 36) that is used in “an interactive talk show” (column 14, line 37) wherein multimedia information from the moderator and the participant of the show is transmitted to viewers and viewers can also send their information (audio information) to the show through the conference bridge (column 14 lines 36-44). Therefore it is inherent that the system used discloses at least two voice receivers, two voice to text converters, one text to text spoken language converter, two text to voice converters, and two voice emitters.

15. As per claim 10, Saindon et al. teach a system that receives a first voice in a first language and translates it to other languages (audio is converted to text and the text translated into one or more desired languages, column 12, lines 42, 43) and emits the translated voice (translated audio), (Column 12, lines 46,47) apparently simultaneously as in the case of the “life call-in, comments and question” (column 14, lines 19, 20).

16. As per claims 8, Saindon et al. teach, as mentioned above in claims 5, 6, and 12 a system that can establishes a dialogue (takes information message from one part and the feedback from the other part) which means that the lag time between receiving, processing, and emitting information is accomplished in a reasonable amount of time.

17. As per claim 9, saindon et al. teach a text-to-speech converter (Figure 1) that simulates and emit the voice in the form of phrases such a sentence or a part of a sentence (column 13, lines 13-21).

***Conclusion***

18- The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Franz et al. (U.S 6, 356, 865) teach a method and apparatus for performing the translation of a spoken source language to a target language. Obuchi et al (US 6,789, 093) teach a system and associated methods to receive an incoming telephone call from a user, perform translation of the information received, and outputting it, in audio, on the incoming telephone call.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdelali Serrou whose telephone number is 703-305-0513. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Talivaldis Smits can be reached on 703-306-3011. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abdelali Serrou  
02/04/2005



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**RICHEMOND DORVIL**  
**SUPERVISORY PATENT EXAMINER**